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January 10, 2019

By Email (daronberg@sa15.org)
and Federal Express

The Hon. David Aronberg
State Attorney, Fifteenth Judicial Circuit of Florida

Re: Palm Beach Post reporter John Pacenti's September 13 Public Records Request

Dear Mr. Aronberg:

The Palm Beach Post has retained our firm to assist it in enforcing the Florida Public Records Act against you in your official capacity as the custodian of certain public records related to a closed investigation, Case 16PI000003, concerning former Judge Martin Colin and his wife, Elizabeth Savitt.

Post reporter, John Pacenti, requested access to this file on September 13, 2018 and Mike Edmondson responded that same day "Will get it for you." Natalie Cruz provided Pacenti with a copy of the closeout memo on Sept. 21 and advised him that the file was "voluminous." The Post paid a \$181.10 deposit on October 11 as requested by your staff. Reporter Pacenti checked with Ms. Cruz on October 18 and was advised that your office was still "processing" the request. Pacenti reminded Mr. Edmondson and Ms. Cruz on December 17 that his request was by now 3 months old and requested that the records be released without further delay.

Now, more than three weeks later, Pacenti's public records request is almost four (4) months old and your office has still not produced the requested records, nor have you asserted that the records are exempt from the disclosure requirements of the Public Records Act.

Unless the records are produced to Mr. Pacenti by 3:00 p.m. tomorrow, we will have no choice but to commence an enforcement action against you in your official capacity as the

custodian of the requested records. As you know, your agency is exposed to liability for The Post's attorney's fees and other reasonable costs of enforcement pursuant to section 119.12, Florida Statutes. See Yasir v. Foreman, 149 So. 3d 107, 108 (Fla. 4th DCA 2014) ("Unlawful refusal under section 119.12 includes not only affirmative refusal to produce records, but also unjustified delay in producing them.")

Respectfully, there is and can be no justification for a four (4) month delay in complying with Mr. Pacenti's public records request. The Post has no desire to litigate this issue, but the stalling has become appalling and the newspaper is left with no choice.

Very truly yours,

ATHERTON MCAULIFFE & REEDER PA

/s/ *Martin Reeder*

L. Martin Reeder, Jr.

LMR/tld

cc: Mike Edmondson (medmondson@sal5.org)
Natalie Cruz (ncruz@sal5.org)
John Pacenti (jpacenti@pbpost.com)